

EXHIBIT K



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SHENZHEN UKLISS ELECTRONICS CO.,LTD,
Floor 2, Bldg. 11,
No. 385, Middle Of Ind. Road,
Haizhu District
Guangzhou
Guangdong
China

广州维拓电子有限公司
2楼, 11号
工业大道中路385号
海珠区
广州市
广东省
中国

SHENZHEN BOLESIC ELECTRONIC CO., LTD.
Floor 5, No.6, Shangxue Sci-Tech. Park (East Zone),
Bantian Sub-district, Longgang District,
Shenzhen,
Guangdong
CHINA

深圳市博乐新科电子有限公司
上雪科技园(东区)6号5楼
龙岗区坂田街道
深圳市
广东省
中国

事由：关于亚马逊网站（AMAZON.COM）上的假冒商品
RE: Copycat products on AMAZON.COM

敬启者：
To whom it may concern;

我们谨代表客户“欧姆芬创新有限责任公司”（以下简称“欧姆芬创新公司”）向贵方致函。
We are writing on behalf of our client Oomph Innovations LLC (“Oomph Innovations”).

“欧姆芬创新公司”是一家位于旧金山湾区的公司，在全球范围内致力于设计、生产及销售 VOLOOM 牌蓬发夹。VOLOOM 牌蓬发夹是一款高度创新的美发装置，欧姆芬创新公司为之投入了巨大的时间、研究创造及资金成本。VOLOOM 牌蓬发夹在全球范围内畅销。在美国，VOLOOM 蓬发夹被授予专利，专利号为 8,839,802（以下简称“802 专利”）。

Oomph Innovations is a San Francisco Bay Area company that designs, manufactures and sells the VOLOOM hair volumizing iron on a global basis. The VOLOOM hair volumizing iron is a highly innovative hair care device that represents a huge investment of time, creativity and funds. The VOLOOM hair volumizing iron has enjoyed robust sales on a global scale. In the United States, the VOLOOM Hair volumizing iron is protected by United States patent number 8,839,802 (“the ‘802 patent”).

我方客户“欧姆芬创新公司”告知我方，其发现贵方在四个不同场合所展示的“适合长、短

发的蓬发夹平型夹液晶显示直发器”与“802 专利”相冲突。我们在所附的专利权项对比表中阐述了贵方产品与包含 VOLOOM 蓬发夹的 802 专利权利要求的相似性。贵方可以看到，相似性非常高，因此两件产品实质上为相同产品。

We are informed by our client, Oomph Innovations, that they have notified you on four separate occasions that they consider certain of your activities relating to your “hair volumizing iron flat iron LCD display hair straightener suitable for long short hair” to be barred by the ‘802 patent. We have included a claim chart that illustrates the similarities between your device and the claims of the ‘802 patent that cover the VOLOOM hair volumizing device. As you can see, there is such a close resemblance that the two devices are substantially identical.

美国专利法明确禁止未经授权的生产、使用、销售及进口侵犯美国专利的产品。根据美国专利法规定，专利持有人可以针对实施上述任何禁止行为的各方采取一系列救济方式，可以包括临时及/或永久禁令、包括合理许可费和利润损失之一或两者在内的损害赔偿、原告的律师费用及诉讼费用。一旦确定侵权方故意侵犯专利权，侵权方将被勒令支付三倍的损害赔偿金。

The Patent Statute in the United States expressly forbids unauthorized making, using, selling and importation of a device that infringes a United States Patent. Under the Patent Statute, a patent holder has a number of remedies against parties that are engaged in any of these forbidden activities. The patent holder’s remedies may include preliminary and/or permanent injunction, damages that may include one or both of reasonable royalties and lost profits, the claimant’s legal expenses and court costs. If it is determined that the infringing party willfully infringed the patent(s) in question, the claimant may be required to pay triple damages.

贵方产品目前正在美国销售，至少在通过亚马逊网站（AMAZON.COM）销售。因此，贵方进口产品至美国并通过亚马逊网站销售的行为，根据 802 专利的部分或全部权利要求应被视为应当予以禁止的行为。

Your product is currently being sold in the United States, at least by AMAZON.COM. Thus, your importation to and sale of your devices in the United States on the AMAZON.COM website are activities considered to be barred by some or all of the claims of the ‘802 patent.

我们再次重申，贵方应立即停止在美国的一切侵权行为，包括生产、进口、销售及营销贵方的“适合长、短发的蓬发夹平型夹液晶显示直发器”。由于贵方已被告知存在不法行为，且贵方无视反复警告继续从事侵权行为，“欧姆芬创新公司”将基于贵方的故意行为，向贵方主张三倍的损害赔偿金。

We again repeat our request that you immediately cease and desist from all activities in the United States, including manufacture, importation and sales and marketing of your hair volumizing iron flat iron LCD display hair straightener suitable for long short hair. Because you have been previously notified of your unlawful activities and have continued them in spite of repeated warnings, Oomph Innovations considers your activities to be willful and therefore subject to payment of triple damages.

为贵方最大利益着想，请立即在美国停止关于上述 UKliss 产品的所有侵权行为，包括生产、进口、销售及营销。我们再次提请贵方注意，根据 802 专利，这些行为应被禁止。

It is in your best interest to immediately suspend all activities in the United States involving the above-named Ukliss products, including manufacturing, importing and sales and marketing. We remind you again that these activities are barred in the United States by the '802 patent.

贵方应立即主动停止任何不当使用“欧姆芬创新公司”知识产权的行为，并坚持使任何不当使用“欧姆芬创新公司”知识产权的行为而导致不良影响的可能性得以最小化，即便上述行为为非故意为之。这能提高针对“欧姆芬创新公司”因贵方侵权行为所遭受的任何损失所主张的损害赔偿进行友好协商的可能性。

By acting now to proactively suspend any activities which make improper use of Oomph Innovation's intellectual property, you stand to minimize the possibility of any adverse consequences that may result from having made any improper use of Oomph Innovation's intellectual property, however inadvertent. It also increases the possibility of an amicable settlement regarding any damages that Oomph Innovations may have already suffered as a result of your activities.

请贵方不要无视本函。建议贵方立即联系我们，使双方可以共同商讨解决之策。

We do not recommend that you ignore this letter. We advise you to contact us immediately so that we may together work out a solution to this unfortunate situation.

请务必于七（7）个自然日内回复我方。如我们未能在上述期限内收到贵方回复，我们将认为贵方决定承担不法行为的一切后果。

We must hear from you within seven (7) calendar days. If we do not hear from you within the designated time, we will assume you have decided to incur the consequences of your unlawful activities.

早复为盼。

Thank you for a prompt response.

此致

Sincerely,
Christopher Peil

附件：

EXHIBITS:

- A. United States patent no. 8,839,802 （第 8,839,802 号美国专利）
- B. Claim chart comparing the claims of the '802 patent and the features of the accused device. （802 专利权利要求及被控产品特征的对比表）

EXHIBIT B/附件 B

The claimed device
涉案专利产品

Present in the Accused device?
被控产品是否落入保护范围?

1. A device for volumizing hair, comprising: 1. 一种用于蓬发的装置，包括：	
a first arm comprising a first interlocking plate; 包括一个第一互锁板的一个第一臂；	Yes 是
a second arm comprising a second interlocking plate; 包括一个第二互锁板的一个第二臂；	Yes 是
at least one heating element associated with any of said first interlocking plate and said second interlocking plate; 与所述第一互锁板和所述第二互锁板中的任一个相关联的至少一个加热元件；	Yes 是
and a pivot positioned between said first arm and said second arm and arranged to allow relative movement of the interlocking plates between an interlocked position and a non-interlocked position; 以及一个枢轴，该枢轴被定位在所述第一臂与所述第二臂之间并且被安排成用于允许这些互锁板在一个互锁位置与一个非互锁位置之间相对移动；	Yes 是
said first and second interlocking plates each comprising a two dimensional array of outwardly projecting individual teeth; 所述第一和第二互锁板各自包括向外伸出的单独的齿的一种二维阵列；	Yes 是
wherein the array of outwardly projecting individual teeth of the first interlocking plate is interlockingly complementary to the array of outwardly projecting individual teeth of the	Yes 是

second interlocking plate; 其中该第一互锁板的向外伸出的单独的齿的 该阵列是与该第二互锁板的向外伸出的单独 的齿的该阵列互锁地互补的;	
wherein each individual tooth comprises a flat top surface; 其中每个单独的齿包括一个平坦的顶表面;	Yes 是
and wherein the two dimensional array of individual teeth comprises a checkerboard pattern. 并且其中单独的齿的该二维阵列包括一种棋 盘形图案。	Yes 是
2. wherein the individual teeth comprise rectangular prisms 2. 其中这些单独的齿包括矩形棱柱。	Yes 是
3. wherein when in the interlocked position the individual teeth on the first interlocking plate are not in contact with the individual teeth on the second interlocking plate and are separated by a gap. 3. 其中当处于该互锁位置中时, 该第一互锁 板上的这些单独的齿不与该第二互锁板上的 这些单独的齿相接触并且相隔了一个空隙。	Yes 是
4. wherein the individual teeth comprise; a top surface parallel to the interlocking plate, and sides projecting perpendicularly from the interlocking plates 4. 其中这些单独的齿包括; 平行于该互锁板 的一个顶表面, 以及从这些互锁板垂直地突 出的多个侧面。	Yes 是
5. wherein at least one individual tooth comprises: at least one angled side projecting from the interlocking plate at a non-	No 否

perpendicular angle. 5. 其中至少一个单独的齿包括：以非垂直的角度从该互锁板突出的至少一个成角度的侧面。	
6. wherein the individual teeth comprise prisms projecting from the interlocking plate. 6. 其中这些单独的齿包括从该互锁板突出的多个棱柱。	Yes 是
7. wherein the bases of the individual teeth are regular polygons in shape. 7. 其中这些单独的齿的基部是规则的多边形形状。	Yes 是
8. wherein the individual teeth comprise truncated prisms. 8. 其中这些单独的齿包括多个截头棱柱。	No 否
9. wherein at least one interlocking plate comprises individual teeth of at least two different shapes. 9. 其中至少一个互锁板包括具有至少两种不同形状的单独的齿。	Yes 是
10. wherein the two dimensional arrays of individual teeth on the interlocking plates are shaped for creating a three dimensional matrix of raised flat surfaces in an under layer of hair capable of supporting an upper layer of hair 10. 其中这些互锁板上的单独的齿的这些二维阵列被成形为用于在下层头发中产生能够支撑上层头发的、隆起的平坦表面的一种三维矩阵。	Yes 是